

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CRM-M No.18214 of 2020
DATE OF DECISION : 13th JULY, 2020

Gagandeep Palta

.... Petitioner

Versus

The State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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In virtual Court

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Present: Mr. D. S. Malwai, Advocate for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

The present petition has been filed by the petitioner under Section 438 Cr.P.C for grant of anticipatory/pre-arrest bail in case FIR No.88 dated 02.06.2020 registered under Sections 354, 451, 109, 323 & 34 IPC at Police Station Barnala, District Barnala.

It is contended by counsel for the petitioner that the case against the petitioner is totally concocted. The complainant in the case is none other than his aunt, therefore, he cannot even think of outraging her modesty. In fact, the husband of the complainant is running a factory on the land of the family of the present petitioner. That land was taken on rent by executing the specific lease deed. Now, the complainant side intends to usurp that land. As a pressure tactics, the present FIR has been lodged, involving the petitioner. Otherwise also there are no allegations in the FIR that the petitioner ever used any weapon. The alleged injuries

are only bruises, resulting from alleged scuffle. Hence, the petitioner is not required for effecting any recovery. The petitioner will join the investigation. Hence the petitioner deserves the concession of anticipatory bail.

Notice of motion.

Mr. Randhir Singh Thind, DAG, Punjab, accepts notice on behalf of the State.

Learned State counsel, on instructions from SI Gurvinder Singh, submits that there are specific allegations against the petitioner. In his attempt to outrage the modesty of the complainant, he had pulled the chunni of the complainant and also caused bruises with his hands on the face and breast of the complainant. However, it is not disputed that the petitioner had not used any weapon. Therefore, nothing is required to be recovered from him, as such.

In view of the above, but without commenting anything on merits of the case, the present petition is allowed. In the event of arrest, the petitioner be released on bail subject to his furnishing personal bonds/surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

13th JULY, 2020
'raj'

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:

Yes

No

Whether Reportable:

Yes

No